

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to state supplementary assistance and providing an opportunity for public comment

The Department of Human Services hereby proposes to amend Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 14.

Purpose and Summary

These amendments implement the January 1, 2018, cost-of-living adjustments (COLA) to income limits and benefit amounts for several State Supplementary Assistance (SSA) categories. These amendments also implement the changed personal needs allowance for the residential care facility (RCF) assistance and family-life home (FLH) assistance. The net change to the personal needs allowance is a decrease due to a small COLA percentage increase that is offset by a larger decrease in the average monthly Medicaid copayments used to calculate the amount of this deduction.

Fiscal Impact

The RCF and FLH personal needs allowances (PNAs) are decreasing by \$1 per month from \$100 to \$99 per month. The base personal needs allowance is increased only slightly due to the 2 percent COLA this year. This increase was more than offset by the decrease in the average Medicaid copayment per client per month for RCF recipients. (The average Medicaid copayment per client per month is added to the base PNA to determine the final monthly PNA.) The average copayment per client per month for RCF assistance recipients for August 2016 through July 2017 was \$.90. This is a decrease of \$2.89 from last year’s average of \$3.79. For FLH recipients, the \$16 increase in the payment to the FLH is offset by the \$1 decrease in the personal needs deduction and a \$15 increase in the Supplemental Security Income (SSI) payment. The recipient will pay up to \$16 more due to the \$15 increase in income and a \$1 decrease in the PNA. For RCF assistance recipients, the maximum total payment to the facility will increase up to \$15.19 per month per recipient $[(30.60 - 30.11) \times 31 \text{ days}]$. RCF costs are shared by the state and the RCF assistance recipient. Any potential increased costs to the state are expected to be more than offset by declining RCF caseloads in SFY ’18 and SFY ’19. For dependent-person assistance recipients, the maximum monthly payment is increasing by \$8, from \$379 to \$387. Each dependent-person assistance recipient will receive up to an \$8 increase, resulting in an anticipated increase in state expenditures.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 23, 2018. Comments should be directed to:

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa, 50319-0114
Fax: 515.281.4980
Email: policyanalysis@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. An oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, an agency, or an association of 25 or more persons as provided in Iowa Code section 17A.4(1)“b.”

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rule Making Adopted by Reference

This proposed rule making is also published herein as an Adopted and Filed Emergency rule making (see **ARC 3599C**) and was reviewed by the Administrative Rules Review Committee on January 5, 2018, pursuant to 2017 Iowa Acts, House File 653, section 32. The purpose of this Notice of Intended Action is to solicit public comment on that emergency rule making, whose subject matter is hereby adopted by reference.